

IN THE UNITED STATES BANKRUPTCY COURT
FOR THE DISTRICT OF PUERTO RICO

In Re:

IVELISSE FELICIANO FIGUEROA
XXX-XX-2815

Debtor(s)

Case No.: 13-02066(BKT)

Chapter 13

TRUSTEE'S MOTION TO DISMISS

TO THE HONORABLE COURT:

NOW COMES José R. Carrión, Chapter 13 Trustee, through the undersigned attorney, and very respectfully alleges and prays:

1. The captioned debtors filed the Chapter 13 petition on March 17, 2013.

2. As of today debtor(s) has/had/have been unable to obtain the Confirmation of the plan.

3. On September 25 2013, the Trustee filed an Unfavorable Recommendation to the Plan dated September 9, 2013 (Docket No. 25).

4. Debtor(s) has/had/have failed to make the necessary corrections and/or amendments requested in the Unfavorable Recommendation, hence failing to propose a confirmable plan.

5. The Trustee **moves this Court for the dismissal of this case** for cause pursuant to 11 U.S.C. §1307(c)(1).

6. Section 1307(c)(1) of the Bankruptcy Code [11 U.S.C. §1307 (c)(1)] provides:

(c) Except as provided in subsection (f) of this section, on request of a party in interest or the United States trustee and after notice and a hearing, the court may convert a case under this chapter to a case under chapter 7 of this title, or may dismiss a case under this chapter, whichever is in the best interests of creditors and the estate, for cause, including—

(1) unreasonable delay by the debtor that is prejudicial to creditors;

7. Debtors have a duty to file a confirmable plan providing for the payment of his debts. Furthermore, Debtors' failure to act as described in the aforesaid paragraphs of this motion, has cause an unreasonable delay which is prejudicial to creditors that constitute CAUSE for the dismissal of the case pursuant to 11 U.S.C. §1307(c)(1).

8. In light of the aforementioned legal requirements and the Debtors' failure to act in compliance with the Bankruptcy Code, the Trustee respectfully requests this Honorable Court to dismiss the instant case.

WHEREFORE the Trustee respectfully prays that if debtor(s) fails to respond this motion within the notice period provided herein, the case be dismissed for cause pursuant to §1307(c)(1) without further notice or hearing.

30 DAYS NOTICE: The Debtor(s) and all Creditors, and Parties in Interest in this case, are hereby notified that, if debtor(s) fails to file an opposition to this motion in writing within 30 days from the date appearing in the certificate of

service, infra, the Court may grant this motion, or convert the case without the need of further notice of hearing.

CERTIFICATE OF SERVICE: The Chapter 13 Trustee herewith certifies that a copy of this motion has been served on the same date of this motion to: the DEBTOR(s) via regular mail, to his address of record, and her/his/their attorney, via regular mail if not a ECFS registered user, and to all Creditors and Parties in Interest, who has filed a Notice of Appearance or requested to receive notices regarding the present case, to their respective address of record.

NEGATIVE CERTIFICATION PURSUANT TO SECTION 201(B)(4) OF THE SERVICEMEN'S CIVIL RELIEF ACT OF 2003: I hereby declare according to the attached certification(s), provided by the Department of Defense Manpower Data Center (DMDC), the Debtor(s) is (are) not in active duty or under call to active duty as a member(s) of the ARMY, NAVY, or AIR FORCES of the United States of America; the National Guard; the Public Health Service or the National Oceanic and Atmospheric Administration.

In San Juan, Puerto Rico this September 27, 2013.

/S/ JOSER R CARRION
TRUSTEE

JOSE R. CARRIÓN-MORALES
CHAPTER 13 TRUSTEE
P.O. Box 9023884
San Juan, P.R. 00902-3884
Tel (787) 977-3535
Fax (787) 977-3550

13-02066-BKT

CERTIFICATE OF MAILING

The undersigned hereby certifies that a true copy of the foregoing document was mailed by first class mail to the parties listed below:

JOSE R. CARRION
PO BOX 9023884, OLD SAN JUAN STATION
SAN JUAN, PR 00902

MARIA DE LOS ANGELES GONZALEZ, ESQ.
US POST OFFICE & COURTHOUSE
300 RECINTO SUR ST., SUITE 109
OLD SAN JUAN, PR 00901

JUAN O CALDERON LITHGOW*
PO BOX 1710
VEGA BAJA, PR 00694-1710

DEPARTMENT OF TREASURY
PO BOX 9024140
SAN JUAN, PR 00902

UNEMPLOYMENT INSURANCE
PUERTO RICO DEPT OF LABOR
12 FLOOR 505 MUNOZ RIVERA AVE.

IVELISSE FELICIANO FIGUEROA
EL ROSARIO
I 32 CALLE OSCAR COLLAZO
VEGA BAJA, PR 00693

AMERICAN INFOSOURCE/T MOBILE USA INC
PO BOX 248848
OKLAHOMA CITY, OK 73124-8848

BANCO POPULAR DE PUERTO RICO
BANKRUPTCY DEPARTMENT
G.P.O. BOX 36-6818
SAN JUAN, PR 00936

BANK OF AMERICA
PO BOX 15102
WILMINGTON, DE 19886-5102

DEPT STORES NATIONAL BANK/MACYS
NCO FINANCIAL SYSTEMS INC
PO BOX 4275
NORCROSS, GA 30091

DSNB MACYS
MACY'S BANKRUPTCY
PO BOX 8053
MASON, OH 45040

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PROVIMI
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Vega Baja, PR 00694

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SAN JUAN, PR 00928

SECURITY CREDIT SERV
PO BOX 1156
OXFORD, MS 38655

USDA RURAL DEVELOPMENT
PO BOX 790170
ST LOUIS, MO 63179-0170

DATED: September 27, 2013

mcancio

OFFICE OF THE CHAPTER 13 TRUSTEE

UNITED STATES BANKRUPTCY COURT
DISTRICT OF PUERTO RICO

IN RE:
IVELISSE FELICIANO FIGUEROA

DEBTOR (S)

CASE NO. 13-02066-BKT

CHAPTER 13

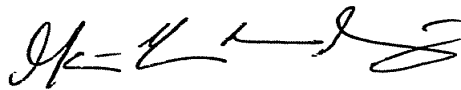
AFFIDAVIT FOR DEFAULT JUDGEMENT
PURSUANT TO SECTION 201(b) (4)
OF THE SERVICEMEMBERS CIVIL RELIEF ACT OF 2003

I , mcancio , clerk for the Chapter 13 & 12 Trustee's Office, declare under penalty of perjury, the following:

That according to the enclosed certification, provided by the Department of Defense Manpower Data Center (DMDC), the Debtor(s) is (are) not in active duty or under call to active duty as a member(s) of the Army, Navy or Air Forces of the United States of America; the National Guard; the Public Health Service or the National Oceanic and Atmospheric Administration.

To certify the above statement I sign this affidavit,

In San Juan, Puerto Rico, September 27, 2013.





Status Report Pursuant to Servicemembers Civil Relief Act

Last Name: FELICIANO FIGUEROA

First Name: IVELISSE

Middle Name:

Active Duty Status As Of: Sep-26-2013

On Active Duty On Active Duty Status Date			
Active Duty Start Date	Active Duty End Date	Status	Service Component
NA	NA	No	NA
This response reflects the individuals' active duty status based on the Active Duty Status Date			

Left Active Duty Within 367 Days of Active Duty Status Date			
Active Duty Start Date	Active Duty End Date	Status	Service Component
NA	NA	No	NA
This response reflects where the individual left active duty status within 367 days preceding the Active Duty Status Date			

The Member or His/Her Unit Was Notified of a Future Call-Up to Active Duty on Active Duty Status Date			
Order Notification Start Date	Order Notification End Date	Status	Service Component
NA	NA	No	NA
This response reflects whether the individual or his/her unit has received early notification to report for active duty			

Upon searching the data banks of the Department of Defense Manpower Data Center, based on the information that you provided, the above is the status of the individual on the active duty status date as to all branches of the Uniformed Services (Army, Navy, Marine Corps, Air Force, NOAA, Public Health, and Coast Guard). This status includes information on a Servicemember or his/her unit receiving notification of future orders to report for Active Duty. HOWEVER, WITHOUT A SOCIAL SECURITY NUMBER, THE DEPARTMENT OF DEFENSE MANPOWER DATA CENTER CANNOT AUTHORITATIVELY ASSERT THAT THIS IS THE SAME INDIVIDUAL THAT YOUR QUERY REFERS TO. NAME AND DATE OF BIRTH ALONE DO NOT UNIQUELY IDENTIFY AN INDIVIDUAL.

Mary M. Snavelly-Dixon

Mary M. Snavelly-Dixon, Director
Department of Defense - Manpower Data Center
4800 Mark Center Drive, Suite 04E25
Arlington, VA 22350

The DoD strongly supports the enforcement of the Servicemembers Civil Relief Act (50 USC App. § 501 et seq, as amended) (SCRA) (formerly known as the Soldiers' and Sailors' Civil Relief Act of 1940). DMDC has issued hundreds of thousands of "does not possess any information indicating that the individual is currently on active duty" responses, and has experienced only a small error rate. In the event the individual referenced above, or any family member, friend, or representative asserts in any manner that the individual was on active duty for the active duty status date, or is otherwise entitled to the protections of the SCRA, you are strongly encouraged to obtain further verification of the person's status by contacting that person's Service via the "defenseink.mil" URL: <http://www.defenselink.mil/faq/pis/PC09SLDR.html>. If you have evidence the person was on active duty for the active duty status date and you fail to obtain this additional Service verification, punitive provisions of the SCRA may be invoked against you. See 50 USC App. § 521(c).

This response reflects the following information: (1) The individual's Active Duty status on the Active Duty Status Date (2) Whether the individual left Active Duty status within 367 days preceding the Active Duty Status Date (3) Whether the individual or his/her unit received early notification to report for active duty on the Active Duty Status Date.

More information on "Active Duty Status"

Active duty status as reported in this certificate is defined in accordance with 10 USC § 101(d) (1). Prior to 2010 only some of the active duty periods less than 30 consecutive days in length were available. In the case of a member of the National Guard, this includes service under a call to active service authorized by the President or the Secretary of Defense under 32 USC § 502(f) for purposes of responding to a national emergency declared by the President and supported by Federal funds. All Active Guard Reserve (AGR) members must be assigned against an authorized mobilization position in the unit they support. This includes Navy Training and Administration of the Reserves (TARs), Marine Corps Active Reserve (ARs) and Coast Guard Reserve Program Administrator (RPAs). Active Duty status also applies to a Uniformed Service member who is an active duty commissioned officer of the U.S. Public Health Service or the National Oceanic and Atmospheric Administration (NOAA Commissioned Corps).

Coverage Under the SCRA is Broader in Some Cases

Coverage under the SCRA is broader in some cases and includes some categories of persons on active duty for purposes of the SCRA who would not be reported as on Active Duty under this certificate. SCRA protections are for Title 10 and Title 14 active duty records for all the Uniformed Services periods. Title 32 periods of Active Duty are not covered by SCRA, as defined in accordance with 10 USC § 101(d)(1).

Many times orders are amended to extend the period of active duty, which would extend SCRA protections. Persons seeking to rely on this website certification should check to make sure the orders on which SCRA protections are based have not been amended to extend the inclusive dates of service. Furthermore, some protections of the SCRA may extend to persons who have received orders to report for active duty or to be inducted, but who have not actually begun active duty or actually reported for induction. The Last Date on Active Duty entry is important because a number of protections of the SCRA extend beyond the last dates of active duty.

Those who could rely on this certificate are urged to seek qualified legal counsel to ensure that all rights guaranteed to Service members under the SCRA are protected

WARNING: This certificate was provided based on a last name, SSN/date of birth, and active duty status date provided by the requester. Providing erroneous information will cause an erroneous certificate to be provided.

Certificate ID: O46D9BEBF0CA980